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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,288	10/25/2001	Robert J. Menendez	7780-T00349	9645

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EXAMINER

THIER, MICHAEL

ART UNIT

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2617

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/040,288	<b>Applicant(s)</b> MENENDEZ, ROBERT J.	
	<b>Examiner</b> MICHAEL T. THIER	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/12/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (6,703,946) in view of Koenck et al. (US 6006100) in further view of Saunders et al (5,918,172) and McDonald Jr. et al. (US 2002/0077750).

**Regarding claims 31, 37, 42, and 47.** Flick teaches a method of coordinating a plurality of vehicles (title and abstract), comprising:

a network remote from the vehicles (figure 3, item 32 connected to item 30);

providing each service vehicle with a position determination device (i.e. a global positioning system) (fig. 2 item 42, i.e. GPS), a subsystem indicator (vehicle device 26,

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fig. 1, further figure 2 items 61-67), a communication device (figure 2 item 44), and a hub (figure 2 controller 40) in permanent wireless communication via a cellular telephone tower with the network (col. 5, line 49-64, further column 5 lines 35-37, i.e. the monitoring station is explained to be remote from the vehicle, further figure 3 item 32 shows the cellular telephone tower that allows the vehicle to communicate with the monitoring station, and explained in column 5 lines 65-67), the hub communicating information from the position determination device, the subsystem indicator, and the mobile communication device to the network (col. 5, ln. 31-53, and 65-67, further see figure 2, the controller being connected to the GPS, vehicle devices 61-67 (i.e. ignition switch, starter, etc), and wireless communications device 44, and further see column 6 lines 32-41).

However, Flick does not teach that the communications device is mobile with respect to the vehicle, or the idea wherein the communication device is operable to communicate with the network solely via the hub when the communication device is at a location apart from the service vehicle.

Koenck teaches the idea of portable devices which communicate by low power transceivers. (abstract). He teaches the idea of a portable terminal that can be carried by a user and transmit data that is entered to a communication device mounted in a vehicle (i.e. a hub). This data can then be communicated to a host computer (i.e. remote computer) from the communication device. (column 13 lines 44-column 14 lines 3, further see figures 4, 7, 18, and 19) Therefore, this clearly reads on a mobile communication device, which is mobile with respect to the vehicle (i.e. since the user

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can take the device door to door), and it can solely communicate with the remote network via the hub when at a location apart from the vehicle (i.e. when the user is at the door the portable device transmits the data to the station in the vehicle, which can then transmit the data to the remote network). This can further be understood in column 4 lines 38-61 which explains how the low power devices (i.e. portable device) can transmit the data short distances (i.e. from the portable device to the communication device in the vehicle), and then the communication device in the vehicle is a dual transceiver device that also has a high power transceiver to transmit the data received from the low power device a remote device far away (i.e. from the communication device in the car to the remote network).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Koenck with the teachings as in Flick. The motivation for doing so would have been to allow for an improvement in efficiency and overall cost of hand held data collection devices (Koenck column 3 lines 15-20).

However, Flick and Koenck do not teach that the remote network is a remote private network or that the directing the service vehicle to a subsequent service call based on information received by the remote private network from the hub.

Saunders teaches the central computer provides directions to the vehicle to a subsequent destination and traffic data to the vehicle in response to a request, thus reading on "directing the service vehicle to a subsequent service call based on information received by the remote private network from the hub " (col. 3, ln. 24-33; col. 4, ln. 1-9). He further teaches the idea of a remote private network in figure 1, which can

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be understood as the network 14 which connects to the complex 18. The complex has all the service modules used by the system to deliver enhanced services to the communications device 12, which is associated with a vehicle. This is clearly understood as a remote private network since it is remote from the communication device and it clearly cannot be utilized by the general public, thus making it private. However, for further clarification the examiner is providing the following reference to show the obviousness of the private network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Saunders into the teachings of Flick and Rosener in order to provides an integrated and efficient technique to deliver a variety of voice and enhanced services to customers.

However, they do not specifically recite the idea of a remote *private* network.

McDonald teaches a method and apparatus for providing automatic status information for vehicles (title and abstract), which is similar to that of Flick. He further teaches the idea GPS receiver (figure 1 item 14), a subsystem indicator (figure 1 item 22), communication device (figure 1 item 12), and a hub (figure 1 item 16). He teaches the idea of the mobile unit 12 generating status information including position information and information from at least one vehicle sensor and wirelessly communicating it to a remote monitoring device (par. 6-8) (i.e. the hub in permanent wireless communication with the remote private network). He explains in par. 32 that the wireless transmission device that the vehicle is transmitting to can be a private network.

Therefore, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to utilize the teachings of McDonald into the teachings of Flick, Rosener, Saunders. The motivation for doing so would have been to provide a system that can provide automatic status information for deliver vehicles (McDonald par. 4) using a private network (McDonald par. 32).

**Regarding claim 32.** Flick further teaches the position determination device comprises a GPS receiver (GPS receiver 42, fig. 2).

**Regarding claims 33 and 43.** Flick further teaches the subsystem indicator indicates the condition of an ignition of the service vehicle (ignition switch 65, fig. 2).

**Regarding claims 34 and 44.** Flick does not teach that the subsystem indicator indicates the condition of an odometer of the vehicle. However, Flick teaches that the subsystem indicator indicates the condition of the ignition, alarm, acceleration, battery, etc (col. 10, ln. 21 to col. 11, ln. 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Flick, so that the subsystem can provide information regarding the condition of the odometer in order to keep track how far the vehicle had traveled.

**Regarding claims 35-36 and 45-46.** Flick does not teach the use of general packet radio service (GPRS) and cellular digital packet data (CDPD) protocols. However, these protocols are well known in the wireless art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize GPRS or CPDP advance features since CDPD shares bandwidth with cellular voice traffic. The channel is occupied just for the time it takes to send packets of data. If

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the channel is subsequently required for voice, the CDPD transmission will "hop" to another vacant channel.

**Regarding claim 38.** Flick and Koenck further teach the hub is in wireless communication with the mobile communications device (Flick: wireless receiver 29, fig. 2, is in wireless communication with monitoring station 30, fig. 1, Koenck teaches the idea of a portable terminal that can be carried by a user and transmit data that is entered to a communication device mounted in a vehicle (i.e. a hub), thus the mobile comm. device can wirelessly communicate with the hub in the vehicle as in Koenck).

**Regarding claims 39-40 and 48-49.** Flick does not teach the use of IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission) protocols are well known in wireless art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flick teachings, so that it can be used with IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission) protocols in order to reduce wiring harness, and simplifying the installation of the LAN.

**Regarding claim 41.** Flick illustrates in figs. 1-2 that the hub is in wire-line communication with the subsystem indicator. However, a wireless hub is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flick teachings, so that the hub is in wireless communication with the subsystem indicator in order to reduce wiring harness, and simplifying the installation of the tracking system.



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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571)272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T THIER/  
Examiner, Art Unit 2617  
8/19/2009